

# Wetlands Bureau Decision Report

Decisions Taken  
03/01/2004 to 03/05/2004

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2002-02476                      ROMNEY, ANN**  
**WOLFEBORO   Lake Winnepesaukee**

### Requested Action:

Amend permit to relocate the breakwater retain 16 linear ft of rip-rap, remove unpermitted fill along 37 linear ft of shoreline and revegetate shoreland buffers.

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### Conservation Commission/Staff Comments:

Con Com has no objections

Inspection Date: 03/28/2003 by Darlene Forst

### APPROVE AMENDMENT:

Amend permit to read: Fill 840 sq ft to construct 48 linear ft of breakwater, in an "dogleg" configuration, with a 6 ft gap at the shoreline to protect an existing 55 ft by 67 ft dug in boathouse, retain 16 linear ft of rip-rap, remove unpermitted fill and rip-rap along an additional 37 linear ft of shoreline and replant the 20 ft setback to the east property line and a 20 ft shoreland buffer along the shore on an average of 277 ft of frontage on Lake Winnepesaukee, Wolfeboro.

### With Conditions:

1. All work shall be in accordance with plans by Lakeshore Construction dated November 20, 2000e, as received by the Department on November 24, 2003.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The unpermitted rip-rap/fill shall be completely removed from the shoreline prior to the construction of the proposed breakwater.
4. Restoration planting of the shoreland buffer and 20 ft setback to the east property line shall be completed utilizing the native species as listed and submitted by the applicant on December 30, 2003. Planting shall be completed by October 15, 2004, and a monitoring report with photos documenting the replanting and removal of unpermitted rip-rap/fill shall be submitted to the Wetlands Bureau by November 1, 2004. Failure to complete the removal of the rip-rap/fill, replant the buffer and setback areas, or submit the follow up report within the time allotted shall be considered a violation of this permit subject to compliance action.
5. Any rip-rap/fill material not utilized in the breakwater construction shall be completely removed from the jurisdiction of the DES Wetlands Bureau.
6. The shoreland buffer and setback area shall have at least 75% successful establishment of native vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional buffer is replicated in a manner satisfactory to the DES Wetlands Bureau.
7. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
12. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
13. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.
14. Rocks may not remained stockpiled on the frontage for a period longer than 60 days.
15. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
16. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently

than once every 6 years, and that a new permit shall be required for each dredge activity.

17. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.

17. There shall be no structures attached to the breakwater.

18. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483 B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.

2. The construction of a breakwater to protect the existing dug in boathouse at this site is justified in accordance with Rule Wt 402.07(c), Breakwaters.

3. The applicant has an average of 277 feet of frontage along Lake Winnepesaukee, Wolfeboro.

4. A maximum of 4 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.

5. The proposed breakwater will not provide any slips as defined per RSA 482-A and therefore meets Rule Wt 402.14.

6. The existing docking facility provides 4 slips per RSA 482-A.

7. Public hearing is waived based on field inspection, by NH DES staff, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

8. Field inspection conducted by DES staff on March 28, 2003 found that rip-rap and fill had been placed along 53 linear ft of shoreline without a permit, the temporary impacts associated with the previous dug-in boathouse construction had encroached upon the 20 ft setback to the east property line resulting in the removal of all vegetation within that setback area and vegetation had also been completely removed for a distance of approximately 40 ft along the shoreline to the west of the boathouse.

9. Completion of the rip-rap/fill removal and replanting plans will bring this property back into compliance with both RSA 428-A and the Comprehensive Shoreland Protection Act, RSA 483-B.

-Send to Governor and Executive Council-

**2003-01296                      CHAMBERLAIN, THOMAS & GERTRUDE**  
**LITCHFIELD   Grassy Pond**

Requested Action:

Request name change to:

Cooper Development, LLC

PO Box 951

Derry, NH 03038

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Conservation Commission/Staff Comments:

The Town of Litchfield Conservation Commission reports: "We are satisfied with the total mitigation package that has been offered with 10+ acres to be deeded to the Town as a permanent agricultural easement. ... As mitigation the Town will also be receiving approximately two acres on the west side of Route 3A with frontage on the Merrimack River and abutting a six acre LCIP parcel owned by NH Fish and Game."

Inspection Date: 07/18/2003 by Frank D Richardson

APPROVE NAME CHANGE:

Approve name change to:

Cooper Development, LLC

PO Box 951

Derry, NH 03038

Requested Action:

Dredge and fill a total of 31,284 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with culvert crossings to access a 71-unit elderly housing complex on a 92 acre parcel of land.

Compensatory mitigation is provided as a 10.2 acre conservation easement deeded to the Town of Litchfield.

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#### APPROVE PERMIT:

Dredge and fill a total of 31,284 sq. ft. of palustrine forested/scrub-shrub wetlands to construct a roadway with culvert crossings to access a 71-unit elderly housing complex on a 92 acre parcel of land.

Compensatory mitigation is provided as a 10.2 acre conservation easement deeded to the Town of Litchfield.

#### With Conditions:

1. All work shall be in accordance with plans by Edward N. Herbert Assoc., Inc. dated May 2003 and overview plan delineating conservation easement areas (last revised 2-12-04), as received by the Department on June 24, 2003 and March 02, 2004 respectively.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, septic setback or other construction activities.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Silt fencing must be removed once the area is stabilized.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culvert outlets shall be properly rip rapped.
15. Work shall be done during low flow.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

#### COMPENSATORY MITIGATION:

##### I. Land Resources Preservation:

1. This permit is contingent upon the execution of a conservation easement on 10.2 acres as depicted on plans received together with the 'Conservation Easement Deed' on October 29, 2003 and overview plan delineating the conservation easement areas including lots 12-18 & 12-19 fronting on the Merrimack River received March 02, 2004.
2. The conservation easement(s) to be placed on the preservation area(s) shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Hillsborough County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.
6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of 31,284 sq. ft. of previously disturbed palustrine forested/scrub-shrub wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on July 18, 2003. Field inspection determined the site has had prior disturbance from agricultural and forestry activities.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of wetland ecosystems in the environs.

**2003-01713                      CIKACZ, MICHAEL**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Fill 600 sq ft to construct 36 linear ft of breakwater, with a 6 ft gap at the shoreline, and a 6 ft x 30 ft cantilevered pier accessed by a 6 ft x 16 ft walkway on an average of 153 ft of frontage on Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con. Com. agreed with project.

DENY PERMIT:

Fill 600 sq ft to construct 36 linear ft of breakwater, with a 6 ft gap at the shoreline, and a 6 ft x 30 ft cantilevered pier accessed by a 6 ft x 16 ft walkway on an average of 153 ft of frontage on Lake Winnepesaukee.

With Findings:

1. A request for additional information dated September 29, 2003, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2003-01869                      PEASE DEVELOPMENT AUTHORITY, DIV. OF PORTS & HARBO**  
**SEABROOK   Atlantic Ocean**

Requested Action:

Dredge a total of 742,000 sq. ft. (17 acres) of sandy marine sediments in Hampton-Seabrook Harbor for work associated with the realignment of the Blackwater River channel to abate shoreline and tidal flat erosion which has restricted use of the navigational channel and anchorage.

Dredged material will be disposed of in a containment cell formed by the construction of two (2) driven composite sheet pile walls extending northward from the shoreline at River Street. The west wall will extend 1,100 linear feet with a 35-degree bend at 2/3rds the distance from River Street. The east wall will extend 500 linear feet from River Street.

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#### APPROVE PERMIT:

Dredge a total of 742,000 sq. ft. (17 acres) of sandy marine sediments in Hampton-Seabrook Harbor for work associated with the realignment of the Blackwater River channel to abate shoreline and tidal flat erosion which has restricted use of the navigational channel and anchorage.

Dredged material will be disposed of in a containment cell formed by the construction of two (2) driven composite sheet pile walls extending northward from the shoreline at River Street. The west wall will extend 1,100 linear feet with a 35-degree bend at 2/3rds the distance from River Street. The east wall will extend 500 linear feet from River Street.

#### With Conditions:

1. All work shall be in accordance with final design plans to be submitted to the Department by the US Army Corps of Engineers (USACOE) prior to the start of construction. Preliminary design plans were received by the Department on January 29, 2004.
2. This permit is contingent upon receipt by the Department of the final copy of the USACOE "Operation and Maintenance Manual for the Seabrook Harbor Section 227 Project National Shoreline Erosion Control Development and Demonstration Program - Seabrook New Hampshire". A draft copy of this document was received by the Department on January 24, 2004.
3. Contingencies for events such as failure of the sheet pile wall dredged materials containment cell, invasive marine organisms threatening the ecological integrity of the clam flats and/or other deleterious effects attributable to the installation of this project shall be set forth in the final version of the USACOE "Operation and Maintenance Manual".
4. This permit is contingent on the implementation, by the permittee, of a 5-year monitoring program to assess the environmental impact of the project.
5. The monitoring protocol will examine the site conditions before, during, and for 5 years following construction to evaluate impacts to hydrodynamics, sediment transport, benthic communities, essential fish habitat, invasive marine organisms and other physical, chemical and biological parameters as deemed necessary by the Department.
6. The monitoring program will employ over flights, coinciding with low tide at the site, for aerial photography before, during and for 5 years following construction to document changes in the environs attributable to the project.
7. A semi-annual report shall be submitted by the permittee to the Department, on July 1st and December 1st of each year following completion of construction, documenting the information required by the monitoring program. Each report will contain a suite of aerial photographs documenting site conditions recorded during the reporting period.
8. This permit is contingent on approval by the DES Site Specific Program, if required, in accordance with RSA 485-A:17.
9. In accordance with Administrative Rule Wt 304.11(b): "Dredging in tidal waters shall be done between November 15 and March 15, and shall not be permitted during a fish migration or larval setting stage of shellfish."
10. Dredged material in excess of that needed to fill the containment cell shall be disposed of at areas outside of the Department's jurisdiction, or at designated beach nourishment and/or sand dune restoration areas in Hampton and Seabrook with prior approval by the Department.
11. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and any required NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, the professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

#### With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), alteration of 742,000 sq. ft. (17 acres), by the dredging of sandy marine sediments, for work associated with the realignment of the Blackwater River channel in Hampton-Seabrook Harbor to abate shoreline and tidal flat erosion which has restricted use of the navigational channel and anchorage.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal, with project specific conditions and contingencies for operation, maintenance and monitoring is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Wetlands Bureau Staff has conducted field inspections at the location of the proposed project on numerous occasions since shoaling in the Blackwater River and the subsequent formation of a new erosional channel running parallel to River Street in Seabrook was first reported in 1995.
6. Recent field inspections have determined that this project is necessary to abate shoreline erosion along River Street and the adjacent tidal flats, to protect the ecological integrity of the benthic communities of the 'middle ground' clam flats and to maintain safe navigation in Hampton-Seabrook Harbor.
7. The public hearing for this project was held on September 11, 2003.
8. On September 30, 2003 DES Wetlands Bureau Staff conducted a peer review of this project before a 12-member volunteer panel consisting of research scientists from the UNH Jackson Estuarine Laboratory, UNH Ocean Engineering Laboratory, and resource managers from the DES Shellfish Program, NH Fish & Game Dept. Region 3 Marine Section, the NH Coastal Program and the NH PDA Division of Ports and Harbors.
9. Information pertinent to the planning, implementation, and environmental monitoring program for this project, derived from the peer review team noted above, has been considered by the NH DES in the permitting process.
10. The USACOE has considered the information generated through the process noted in findings 8 & 9 above in the design of the project.

-Send to Governor and Executive Council-

## MINOR IMPACT PROJECT

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**2003-01096                      PESKINSKI, GARY/NANCY**  
**HILL    Unnamed Stream**

### Requested Action:

Dredge and fill 1000 square feet along 350 linear feet of intermittent stream for the construction of a fire and aesthetic pond.

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### Conservation Commission/Staff Comments:

The conservation commission signed the minimum impact expedited application form.

### APPROVE PERMIT:

Dredge and fill 1000 square feet along 350 linear feet of intermittent stream for the construction of a fire and aesthetic pond.

### With Conditions:

1. All work shall be in accordance with plans by Gunther Frankenstein, as received by the Department on August 29, 2003.
2. This permit is contingent on approval by the DES Dam Safety Program.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new

application and further permitting by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(e), construction of a pond with less than 20,000 square feet of impact in a wetland or surface waters, which does not meet the criteria of Wt 303.04(p).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on March 2, 2004. Field inspection determined the stream is intermittent at best and will likely not flow for more than 3 weeks a year in the proposed pond location further downstream the stream becomes more defined and has a much more defined channel. The proposed pond is situated appropriately within the headwaters of this wetland area and should not have any impact on the downstream hydrology. The proposed pond is also upstream of the observed groundwater seeps.
6. The DES Dam Safety Bureau conducted a site inspection and determined the proposed pond as located did not flow onto the Wasserman property.
7. The applicant has provided a letter from the Hill Fire Department stating their ability and desire to utilize the proposed pond for fire protection purposes.

**2003-01552                      APPALACHIAN MOUNTAIN CLUB**  
**MEREDITH Lake Winnepesaukee**

Requested Action:

Impact a total of 80 sq ft of lakebed and bank to install a submarine cable from Pine Island to Three Mile Island across 2,656 ft of lake bottom on Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con. Com. had no objections to project.

Town Clerk signed application late, after 7-1-03 when new fee went into law.

APPROVE PERMIT:

Impact a total of 80 sq ft of lakebed and bank to install a submarine cable from Pine Island to Three Mile Island across 2,656 ft of lake bottom on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by the Appalachian Mountain Club, as received by the Department on February 24, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. The applicant shall notify in writing NHDES Wetlands Bureau and the Meredith Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
6. Shoreline shall be restored to a stable condition and shall be restored to the same as or better than pre-construction conditions.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. Any removed material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.



10. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
11. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
12. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2003-01878                      BACON, HOLLY**  
**MILFORD   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 18,750 sq. ft. of palustrine wet meadow/ hydric soils (in agriculture as a hay field) to construct two (2) warehouse buildings with appurtenant access, parking and drainage structures on a 5.9 acre parcel of land.

Compensatory Mitigation: A 10 acre conservation easement on the same parcel will be reserved to provide habitat for Bobolinks and other field nesting birds.

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Conservation Commission/Staff Comments:

The Milford Conservation Commission recommends approval of this project proposal.

Inspection Date: 06/13/2003 by Frank D Richardson

APPROVE PERMIT:

Dredge and fill a total of 18,750 sq. ft. of palustrine wet meadow/ hydric soils (in agriculture as a hay field) to construct two (2) warehouse buildings with appurtenant access, parking and drainage structures on a 5.9 acre parcel of land.

Compensatory Mitigation: A 10 acre conservation easement on the same parcel will be reserved to provide habitat for Bobolinks and other field nesting birds.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated August 14, 2003, as received by the Department on August 22, 2003.
2. This permit is contingent on approval by the DES Site Specific Program, if required.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau, if required.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on June 13, 2003.

**2003-01999                      MCCORMICK, JOHN**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Remove (2) rocks for navigational purposes on an average of 173 ft of frontage on Braun Bay, Lake Winnepesaukee.

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Conservation Commission/Staff Comments:

Con. Com. questions the need to remove the rocks.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Remove (2) rocks for navigational purposes on an average of 173 ft of frontage on Braun Bay, Lake Winnepesaukee.

With Findings:

1. A request for additional information dated October 10, 2003, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2003-02135                      MORRISSEY, DANIEL**  
**SUTTON   Blaisdell Lake**

Requested Action:

Construct a 10 ft x 20 ft permanent dock accessed by 9 ft x 8 ft stairs over the bank on an average of 800 ft of frontage on Blaisdell Lake, Sutton.

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Conservation Commission/Staff Comments:

Con. Com. signed application

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Construct a 10 ft x 20 ft permanent dock accessed by 9 ft x 8 ft stairs over the bank on an average of 800 ft of frontage on Blaisdell Lake, Sutton.

With Findings:

1. A request for additional information dated October 21, 2003, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2003, requiring the applicant to submit additional information to DES within 120 days of the request.
2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 120 days and therefore the application has been denied.

**2003-02380                      NH DEPT OF TRANSPORTATION**  
**LONDONDERRY   Little Cohas Brook**

Requested Action:

Request an AMENDMENT to the permit to replace a multi-plate pipe arch with a pre-cast, 12 ft. wide box culvert.

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APPROVE AMENDMENT:

AMENDMENT: Replace a multi-plate pipe arch with a pre-cast, 12 ft. wide box culvert, construct new wings; place class B stone at inlet and outlet impacting 3,025 sq. ft. of stream and banks (1,550 sq. ft. temporary). NHDOT project #99013T.

With Conditions:

1. All work shall be in accordance with amended plans by NHDOT Bureau of Bridge Maintenance dated 2/04, as received by the Department on Feb. 18, 2004.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the brook, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

ADDED

17. The additional stone shall be the minimum necessary.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of banks of a stream.
2. The original application was received on October 22, 2003, modified slightly and permitted on November 25, 2003. The file indicates one comment was received from the NH Division of Historical Resources stating there are no known properties of significance.
3. The proposed modification for the proposed impact areas received on February 18, 2004 is a result of the rapid deterioration of the existing culvert and the location of underground utilities.
4. The amended permit allows an additional permanent impact of 295 sq. ft.
5. The Conservation Commission report received on March 1, 2004 recommends approval and improvement of the crossing for wildlife.
6. The major components for the project have already been purchased and the project design is unlikely to be changed to accommodate wildlife due to the immediate need of the culvert replacement.

**2003-02406                      HAMILTON HEIGHTS REALTY, LLC**  
**EPPING   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 18,190 square feet within forested wetlands and an intermittent stream to construct a roadway to provide access to a 39-lot residential subdivision on approximately 137.3 acres. As compensatory mitigation for wetlands and intermittent stream impacts preserve approximately 25.7 acres of wetlands and contiguous upland buffer through execution of a conservation easement

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Conservation Commission/Staff Comments:

In a letter to the DES Wetlands Bureau dated December 1, 2003 the Epping Conservation Commission raised a number of concerns regarding the proposed wetlands compensatory mitigation proposal and the applicant's response to Rule Wt 302.04(a)(4, 7, 13, 14, & 17).

In a letter to the DES Wetlands Bureau dated November 3, 2003 the Epping Conservation Commission (ConCom) requested that the Bureau suspend action on the application to allow the ConCom to further investigate the application, per RSA 482-A:11.

Inspection Date: 01/23/2004 by Christian P Williams

APPROVE PERMIT:

Dredge and fill approximately 18,190 square feet within forested wetlands and an intermittent stream to construct a roadway to provide access to a 39-lot residential subdivision on approximately 137.3 acres. As compensatory mitigation for wetlands and intermittent stream impacts preserve approximately 25.7 acres of wetlands and contiguous upland buffer through execution of a conservation easement

With Conditions:

1. All work shall be in accordance with the following plans (hereinafter referred to as the "Approved Plans") by Jones & Beach Engineers, Inc., as received by the Department on February 11, 2004:
  - a) The Subdivision Plan (Sheets 2 - 4 of 23), the Easement Plan (Sheets 5 - 7 of 23), the Existing Conditions Plan (Sheets 8 - 10 of 23), the Overview Subdivision Plan (Sheet 11 of 23), the Topography and Soils Plan (Sheets 12 - 14 of 23) the Roadway Plan and Profile (Sheets 15 - 19 of 23), and the General Details (Sheet 21 of 23) dated March 28, 2003 and revised December 10, 2003; and
  - b) The General Details (Sheets 20 and 22 of 23) and the Erosion and Sediment Control Details (Sheet 23 of 23) dated October 1, 2002 and revised December 10, 2003.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Dam Safety Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
8. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
9. At least seven days prior to the start of construction the permittee shall notify in writing the NHDES Wetlands Bureau and the Epping Conservation Commission of the date project construction is proposed to begin.
10. Work shall be conducted during low flow conditions.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
14. Prior to commencing work on a substructure located within surface waters, a temporary cofferdam shall be constructed to isolate the substructure work area from the surface waters.
15. Temporary cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a temporary cofferdam is fully effective, confined work can proceed without restriction.
16. Temporary cofferdams shall be entirely removed immediately following construction.
17. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
19. Proper headwalls shall be constructed within seven days of culvert installation.
20. Stone aprons shall be installed at culvert outlets, where appropriate, to dissipate flow velocities and prevent scour and erosion.
21. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
22. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
24. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
25. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Upland Buffer and Wetland Preservation:

26. This permit is contingent upon the execution of a conservation easement on Lot 43 (Epping Tax Map 22), totaling 25.73 acres, including approximately 7.84 acres of forested wetlands and approximately 17.88 acres of contiguous upland buffer, as depicted on the Approved Plans.
27. The conservation easement to be placed on the 25.73-acre preservation area shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
28. The plan noting the 25.73-acre preservation area with a copy of the final conservation easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
29. The applicant shall prepare a report summarizing existing conditions within the 25.73-acre preservation area. Said report shall contain photographic documentation of the preservation area, and shall be submitted to the DES Wetlands Bureau prior to construction to serve as a baseline for future monitoring of the area.
30. The 25.73-acre preservation area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to

construction.

31. Signs to indicate the location of and restrictions on the preservation area shall be posted no further than every 150 feet along the boundary of the preservation area prior to construction.

32. Prior to construction, the permittee shall notify the NHDES Wetlands Bureau of the placement of the preservation area signs.

33. Activities in contravention of the final Conservation Easement Deed shall be construed as a violation of ROSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. The project is categorized as a Minor Impact Project, per Administrative Rule Wt 303.03(h), as the project involves less than 20,000 square feet of alteration in nontidal wetlands and surface waters.

2. In an Inter-Departmental Communication dated November 14, 2003 the NH Fish and Game Department notified the DES Wetlands Bureau that Blanding's Turtles had been previously identified in the project vicinity.

3. In a letter to the DES Wetlands Bureau dated December 1, 2003 the Epping Conservation Commission raised a number of concerns regarding the proposed wetlands compensatory mitigation proposal and the applicant's response to Rule Wt 302.04(a)(4, 7, 13, 14, & 17).

4. In a letter dated December 17, 2003 the NH Fish & Game Department recommended avoiding the use of curbing along the subdivision road and preventing tree cutting in the Conservation Deed Restriction areas to reduce mortality and maintain habitat for the Blanding's Turtle.

5. DES Wetlands Bureau staff conducted a field inspection of the property on January 23, 2004.

6. The Department finds that the wetlands mitigation and wildlife habitat concerns raised by the Epping Conservation Commission in the letter to the DES Wetlands Bureau dated December 1, 2003 have been adequately addressed in the letter (with attachments) from the applicant's authorized agent, West Environmental, Inc., dated February 10, 2004.

7. In response to the water quality and quantity concerns raised by the Epping Conservation Commission in the letter to the DES Wetlands Bureau dated December 1, 2003, the Department finds that a complete technical review of site drainage issues, including stormwater analyses for quality and quantity of stormwater runoff, has been conducted by the DES Site Specific Program. This includes, but is not limited to, review of: methods to control peak stormwater discharge rates; construction erosion controls; and methods for treatment of stormwater runoff from impervious surfaces. Issuance of DES Site Specific Permit WPS 6676 on January 29, 2004 is indicative that all requirements of Env-Ws 415 have been satisfied.

8. The letter from the applicant's authorized agent, West Environmental, Inc., dated February 10, 2004 indicates that curbing will not be installed along the subdivision road and trees within the Conservation Deed Restriction areas will not be cut, per the recommendations of the NH Fish and Game Department in the letter dated December 17, 2003.

9. As compensatory mitigation for wetlands and surface waters impacts, the applicant has agreed to deed abutting Lot 43 (Epping Tax Map 22) to the Town of Epping. This 25.73-acre lot, which includes approximately 7.84 acres of forested wetlands and approximately 17.88 acres of contiguous upland buffer, will be preserved through execution of a conservation easement. 10. Information provided by the applicant's authorized agent, West Environmental Inc., indicates that Lot 43 contains four vernal pools, a stand of Blackgum trees and provides significant wildlife habitat value.

11. The proposed wetlands compensatory mitigation plan exceeds the ratios for upland buffer preservation described in the NHDES Wetlands Bureau's Draft Wetlands Compensatory Mitigation Rules.

12. The need for the proposed jurisdictional impacts has been demonstrated by the applicant per Rule Wt 302.01.

13. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.

14. The applicant has demonstrated by plan and example that each factor listed in Rule Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

15. The applicant has addressed the subdivision plan requirements of Rule Wt 304.09(a).

**2003-02722 NH DEPT OF TRANSPORTATION, DISTRICT ONE**  
**BETHLEHEM Unnamed Wetland**

Requested Action:

Add a 30 ft. extension to a 36 in. culvert impacting 570 sq. ft. of intermittent stream to allow the intersection realignment.

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APPROVE PERMIT:

Add a 30 ft. extension to a 36 in. culvert impacting 570 sq. ft. of intermittent stream to allow the intersection realignment. NHDOT M-111-3.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 1 dated 11/19/03 as received by the Department on Dec. 8, 2003.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of an intermittent stream that does not meet the minimum impact criteria as listed in Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The realignment will allow for a 90-degree intersection and improve public safety.

**2004-00116 THE KENNETT COMPANY**  
**CONWAY Unnamed Wetland**

Requested Action:

Dredge and fill 7,450 square feet of palustrine forested and scrub-shrub wetlands and install (2) 24" x 35" x 80' long pipe-arch culverts to construct a roadway access to the proposed location of the new Conway High School (Phase 1).

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Conservation Commission/Staff Comments:

No comments from the Conway Conservation Commission or the Local Advisory Committee.

APPROVE PERMIT:

Dredge and fill 7,450 square feet of palustrine forested and scrub-shrub wetlands and install (2) 24" x 35" x 80' long pipe-arch culverts to construct a roadway access to the proposed location of the new Conway High School (Phase 1).

With Conditions:

1. All work shall be in accordance with plans by H.E. Bergeron Engineers, P.A. dated 12/29/03, as received by the Department on 1/20/04.
2. This permit is contingent on approval by the DES Site Specific Program.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new

application and further permitting by the Bureau.

4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Proper headwalls shall be constructed within seven days of culvert installations.
8. Stone aprons shall be properly installed at culvert outlets to prevent scouring/erosion.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This project is considered a Minor Impact Project per NH Administrative Rule Wt 303.03(h), as impacts are less than 20,000 square feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**MINIMUM IMPACT PROJECT**

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**2003-02300                      STATE OF NH, DOT**  
**DUBLIN   Mud Pond**

Requested Action:

Replace a 6 ft. x 3 ft. box culvert and add paved shoulders impacting 2,609 sq. ft. (411 sq. ft. temporary) of scrub shrub, marsh and open water wetlands to provide 11 ft. wide travel lanes and 4 ft. paved shoulders.

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APPROVE PERMIT:

Replace a 6 ft. x 3 ft. box culvert and add paved shoulders impacting 2,609 sq. ft. (411 sq. ft. temporary) of scrub shrub, marsh and open water wetlands to provide 11 ft. wide travel lanes and 4 ft. paved shoulders. NHDOT project #13995.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 10/01/03, as received by the



Department on October 14, 2003.

2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Unconfined work within surface water, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Construction equipment shall not be located within surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
16. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
17. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
18. The impacts associated with the temporary work shall be restored immediately following construction.
19. Work shall be done during low flow and coordinated with the dam owner.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(a), projects in a bank, marsh or swamp in or adjacent to waters of the state that do not meet the criteria listed in Wt 303.02 or Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has agreed to coordinate with the dam owner, to work during low flow utilizing cofferdams and has reduced the impact area from 3,800 sq ft. to 2,609 sq. ft. as a result of the Natural Resources meeting held at the NHDOT on September 17, 2003.

Requested Action:

Replace concrete headers of an 18 in. RCP with HDPE aprons impacting 296 sq. ft. of emergent wetland (136 sq. ft. temporary).

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APPROVE PERMIT:

Replace concrete headers of an 18 in. RCP with HDPE aprons impacting 296 sq. ft. of emergent wetland (136 sq. ft. temporary).

NHDOT #M604.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 6 dated 11-24-03 as received by the Department on December 11, 2003.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

2003-02754

**NH DEPT OF TRANSPORTATION, DISTRICT ONE**

**LISBON Drainage Ditch**

Requested Action:

Dredge a total of 6,800 sq. ft. (1500, 100 and 100 linear feet) of an existing ditchline.

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APPROVE PERMIT:

Dredge a total of 6,800 sq. ft. (1500, 100 and 100 linear feet) of an existing ditchline. NHDOT project #M114-10.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Maintenance District 1 dated 11/20/03, as received by the Department on December 11, 2003.
2. Dredged material shall not be sidecast in areas A and C and to be placed out of the DES Wetlands Bureau jurisdiction.
3. Construction equipment shall not be located within surface waters.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
8. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

9. Work shall be done during low flow.

**2003-02796                      FROST FAMILY LLC**  
**WOODSTOCK   Unnamed Stream**

Requested Action:

Dredge and fill 850 square feet to install an 18-inch x 45 foot culvert in an intermittent stream for common driveway access in the subdivision of 18.73 acres into 7 lots.

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Conservation Commission/Staff Comments:

The conservation commission did not comment on this application.

APPROVE PERMIT:

Dredge and fill 850 square feet to install an 18-inch x 45 foot culvert in an intermittent stream for common driveway access in the subdivision of 18.73 acres into 7 lots.

With Conditions:

1. All work shall be in accordance with plans by AK Design and Drafting dated November 25, 2003, as received by the Department on December 18, 2003 and Subdivision Plans by Sanbourne Surveying dated June 2003, as received by the Department on January 8, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Work shall be done during low flow.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Silt fencing must be removed once the area is stabilized.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3000 square feet in swamps or wet meadows and Rule Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet of an intermittent nontidal stream channel or its banks provided construction is performed during periods of non-flow.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00018                      NH DEPT OF TRANSPORTATION**  
**ATKINSON    Unnamed Wetland**

Requested Action:

Fill a total of 1,672 sq. ft. (7 areas) of mostly emergent wetland to replace and upgrade guardrails.

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APPROVE PERMIT:

Fill a total of 1,672 sq. ft. (7 areas) of mostly emergent wetland to replace and upgrade guardrails. NHDOT project #13428.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated as received by the Department on January 7, 2004.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

**FORESTRY NOTIFICATION**

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**2004-00289                      DUNTON, MARILYN**  
**BROOKLINE    Unnamed Stream**

COMPLETE NOTIFICATION:

Brookline Tax Map J, Lot# 8

**2004-00305                      DOMENICHELLO, MICHAEL**  
**NORTHFIELD    Unnamed Stream**

COMPLETE NOTIFICATION:

Merrimack Tax Map R15, Lot# 47-12

**2004-00306                      RATTEE, DEBRA**  
**LOUDON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Loudon Tax Map 38, Lot# 27

**2004-00307                      RUMNEY REALTY TRUST, ERNEST MARTIN**  
**RUMNEY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Rumney Tax map 12, Lot# 1-15

**2004-00308                      YANKEE FOREST, LLC, C/O WAGNER FOREST**  
**GORHAM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Gorham Tax map R4, Lot# 2

**2004-00324                      DUBEY, DAVE/JILL**  
**DUMMER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Dummer Tax Map R20, Lot# 203

## EXPEDITED MINIMUM

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**2003-02630                      BEST, ANDREW/JENNIFER**  
**GRANTHAM**

### Requested Action:

Approve name change on lot # 1 ONLY: Dustin and Brandy Broughton, 89 Albert St., White River Junction, Vt. 05001 per request received 3/4/04.

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### Conservation Commission/Staff Comments:

11/17/2003 - The Grantham Conservation Commission reviewed the application and voted to approve.

### APPROVE NAME CHANGE:

Install a 15-inch by 30 foot culvert impacting 192 square feet of man made seasonal wetland for access to lot #1 in the subdivision of 33.26 acres.

### With Conditions:

1. All work shall be in accordance with plans by Andrew and Jennifer Best, submitted to DES on January 30, 2004, as received by the Department on February 2, 2004 and Subdivision Plans by Central Land Surveying Inc. dated August 27, 2003.

2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be done in the dry.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Culvert inverts shall be laid at existing grade.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culvert outlets shall be properly rip rapped in accordance with the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2004-00166                      BIRON, MICHELE**  
**BEDFORD   Unnamed Wetland**

Requested Action:

Install a septic system forcemain and 12-inch by 18 foot culvert to access a building lot impacting 2915 sq. ft. of wet meadow.

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Conservation Commission/Staff Comments:

Bedford Conservation Commission signed the application

APPROVE PERMIT:

Install a septic system forcemain and 12-inch by 18 foot culvert to access a building lot impacting 2915 sq. ft. of wet meadow.

With Conditions:

1. All work shall be in accordance with plans by Sandford Surveying and Engineering dated January 13, 2004, as received by the Department on February 2, 2004.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done in the dry.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Culvert inverts shall be laid at existing grade.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be properly rip rapped in accordance with the Stormwater Management and Erosion and Sediment Control

Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), as the project will alter less than 3,000 square feet of non tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2004-00225                      KELLOWAY, WAYNE**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Repair in kind an existing piling and crib supported 3 slip docking facility consisting of a 4 ft 10 in by 28 ft 5 in crib supported dock connected to a 9 ft 7 in by 35 ft piling supported dock by a 9 ft 11 in by 4 ft walkway on Lake Winnepesaukee, Wolfeboro.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Expedited Application

APPROVE PERMIT:

Repair in kind an existing piling and crib supported 3 slip docking facility consisting of a 4 ft 10 in by 28 ft 5 in crib supported dock connected to a 9 ft 7 in by 35 ft piling supported dock by a 9 ft 11 in by 4 ft walkway on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated December 31, 2003, as received by the Department on February 11, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
7. This permit does not allow for maintenance dredging.
8. Repairs shall maintain existing size, location and configuration.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
10. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

11. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v).

**2004-00235                      NESHEIM LIVING TRUST, WM.& MELANIE NESHEIM TTEE**  
**HOLDERNESS   Little Squam Lake**

Requested Action:

Reface 107 ft of an existing concrete retaining wall with 6 inches of concrete on Little Squam Lake, Holderness.

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Conservation Commission/Staff Comments:

Con Com signed Expedited Application

APPROVE PERMIT:

Reface 107 ft of an existing concrete retaining wall with 6 inches of concrete on Little Squam Lake, Holderness.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated January 13, 2004, as received by the Department on February 13, 2004.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
8. Repair shall maintain existing size, location and configuration.
9. Work shall be done during drawdown.
10. The wall shall not be refaced more than 6 inches lakeward.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(c).

**GOLD DREDGE**

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**2004-00331                      LUND, TERRY**  
**(ALL TOWNS)   Unnamed Stream**



Conservation Commission/Staff Comments:  
Bath ConCom & Town Hall

**2004-00340                      GRAHAM, MONTRIVILLE**  
**(ALL TOWNS)   Unnamed Stream**

#### LAKES-SEASONAL DOCK NOTIF

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**2004-00320                      HUEBER, MAURICE A.**  
**BELMONT   Silver Lake**

COMPLETE NOTIFICATION:  
Belmont Tax map 119, Lot# 22 Silver lake

#### SHORELAND VARIANCE / WAIV

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**2004-00247                      MOODY POINT COMMUNITY ASSOCIATION**  
**NEWMARKET   Tidal Buffer Zone**

Requested Action:  
Approve variance request to remove invasive species within the natural woodland buffer zone.

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APPROVE PERMIT:  
Approve variance request to remove invasive species within the natural woodland buffer zone.

With Conditions:

1. Siltation and erosion control measures shall be implemented during all phases of construction.
2. All aspects of the project shall be in accordance with the plans and project descriptive details submitted to DES with the variance request.
3. This conditional variance shall be recorded with the Rockingham County Registry of Deeds so as to run with the land.

With Findings:

1. The removal of the invasive species will allow the native shrub, sapling, and tree species to thrive without competition from the invasive species.
2. The invasive plant populations will continue to expand if not controlled.

**PERMIT BY NOTIFICATION**

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**2004-00260                      DERRY, TOWN OF**  
**DERRY   Unnamed Wetland**

Conservation Commission/Staff Comments:  
Derry Conservation Commission signed the application

PBN IS COMPLETE:  
Excavate two test pits to access existing 14-inch waste water force main impacting 100 sq. ft. of scrub/shrub wetland.

**2004-00261                      DERRY, TOWN OF**  
**DERRY   Unnamed Wetland**

Conservation Commission/Staff Comments:  
Derry Conservation Commission signed the application

PBN IS COMPLETE:  
Excavate two test pits to access existing 14-inch waste water force main impacting 100 sq. ft. of scrub/shrub wetland.